

GENERAL RECORDS SCHEDULE 25

Ethics Program Records

Title IV of the Ethics in Government Act of 1978 as amended, 5 U.S.C. appendix, title IV, authorizes the development of an executive branch-wide ethics program to ensure that decisions made by employees are neither tainted by, nor appear to be tainted by, any question of conflicts of interest. Under the relevant sections of title IV and Office of Government Ethics (OGE) executive branch-wide regulation at 5 C.F.R. part 2638, each agency is required to establish an ethics program.

This schedule covers records documenting the activities of executive branch agency ethics program offices and provides disposition for financial disclosure reports; ethics agreements; outside employment and activity records; referrals of violations of criminal conflict of interest statutes; ethics determination, advice, consultation, and training records; and other commonly held ethics program records. Records pertaining to legislative branch and judicial ethics programs, the Hatch Act, the Whistleblower Protection Act, procurement integrity and other areas often associated with, but not expressly under the authority of executive branch ethics programs, are not covered by this schedule.

Master lists of financial disclosure report filers, individuals requesting outside employment and activities approval, and other types of ethics-related master lists are not included in this schedule.

Ethics-related master lists that are used solely for the purpose of tracking and controlling ethics records should be disposed of in accordance with GRS 23 Item 8, Tracking and Control Records.

Master lists that are used for purposes in addition to tracking and controlling ethics records should be disposed of in accordance with the disposition for the underlying records as listed in this schedule or as otherwise scheduled.

Note: Executive branch ethics program records are sometimes needed in an ongoing investigation.

Such records should be retained beyond their approved retention period until no longer needed in the investigation.

1. Ethics Program Implementation, Interpretation, Counseling, and Development Files.

Records maintained by ethics program offices relating to the development, review, implementation, and interpretation of proposed or established executive branch standards of ethical conduct and other ethics regulations; conflict of interest and other ethics related

statutes and Executive Orders; and any agency supplemental standards of ethical conduct and other agency ethics-related regulations and directives. Including:

- Records documenting the review of proposed or established ethics-related statutes and regulations by ethics program officials, including copies of proposed legislation, comments, and all related records.
- Determinations, including advice and counseling to individual employees, and supporting records.
- Records relating to requests under agency supplemental standards of ethical conduct for prior approval of outside employment and activities.
- a. Records such as determinations regarding attendance at widely-attended gatherings which appropriate agency ethics officials determine are related to the routine, non-precedential application of settled legal standards to common factual situations and are not interpretations of the conflict of interest statutes, 18 U.S.C. " 202-209, and other ethics statutes the violation of which may result in criminal penalties or civil fines.

Destroy when 3 years old or when superseded or obsolete, whichever is later.

- b. All other records.

Destroy when 6 years old or when superseded or obsolete, whichever is later.

2. Financial Disclosure Reporting Files.

Financial disclosure reports submitted by individuals as required or authorized under the Ethics in Government Act of 1978 (Pub. L. 95-521), as amended, and related records, including records of late filing fee payments or requests for public reporting waivers of late filing fees and responses; comment sheets by report reviewers and filer responses; filing extension requests and determinations; and copies of applications for public release of financial disclosure report.

- a. Executive Branch Personnel Public Financial Disclosure Reports (SF 278) and related records.
 - (1) SF 278 reports for individuals filing in accordance with Section 101(b) or (c) of the Act, and not subsequently confirmed by the U.S. Senate or elected.

Destroy 1 year after nominee or candidate ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

- (2) All other SF 278s.

Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

- b. Executive Branch Confidential Financial Disclosure Reports (OGE Form 450) and Confidential Certificates of No New Interests (OGE Optional Form 450-A) and related records.

- (1) OGE Form 450s for individuals not subsequently confirmed by the U.S. Senate.

Destroy 1 year after nominee ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

- (2) All other OGE Form 450s and OGE Optional Form 450-As.

Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

- c. Alternative or additional financial disclosure reports and related records.

- (1) Reports for individuals not subsequently confirmed by the U.S. Senate.

Destroy 1 year after nominee ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

- (2) All other alternative or additional financial disclosure reports.

Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

3. Ethics Agreement Records.

Records documenting the review and issuance of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest, including:

- Records relating to the review and issuance of recusals (disqualifications), resignations, reassignments, and divestitures.
- Records relating to determinations, authorizations, and waivers under 5 C.F.R. " 2635.502 and 2635.503.
- Records relating to the review and issuance of waivers of disqualifications under 18 U.S.C. ' 208 (b)(1) and (b)(3).

Destroy 6 years after the waiver or other agreed-upon determination or action has been issued or undertaken or is no longer in effect, whichever is later.

4. Referrals and Notifications of Violations of Criminal Conflict of Interest Statutes and Other Potential Violations Files.

Referrals made to Inspectors General or the Department of Justice and notifications to OGE concerning ethics violations or suspected violations. This item also covers related background materials, including copies of disciplinary and corrective actions and disposition documents such as declinations of prosecution.

Destroy when 6 years old.

5. Non-Federally Funded Travel Files.

- a. Agency copies of Semiannual Expense Reports for Non-Federally Funded Travel submitted by all Executive branch agencies to the Office of Government Ethics in accordance with guidance given at 31 U.S.C. ' 1353, as implemented by 41 C.F.R. chapter 304 and the use of Standard Form (SF) 326 and SF 326A. Reports summarize payments made to the agency from non-Federal sources for travel, subsistence, and related expenses of an employee who attends a meeting or similar function relating to official duties.

Destroy when 3 years old.

- b. Statements, forms, and other records used to compile Semiannual Expense Reports for Non-Federally Funded Travel.

Destroy 1 year after submission of report to the Office of Government Ethics.

6. Ethics Program Review Files.

Reports, correspondence, and other records relating to OGE reviews of agency compliance with executive branch ethics laws and regulations in such areas as financial disclosure, education and training, and advice and counseling.

- a. OGE program review reports, agency 60-day response letters, and other follow-up records sent to OGE on the resolution of program deficiencies.

Destroy when 6 years old.

- b. All other records produced during OGE program reviews, including notes and background materials.

Destroy 1 year after the date of the OGE program review report or, if there are recommendations, one year after they are closed.

7. Annual Agency Ethics Program Questionnaire Files.

- a. Questionnaire completed by ethics officials on an annual basis in compliance with Section 402(e)(1) of the Ethics in Government Act of 1978, as amended, and associated records.

Destroy 3 years after submission.

- b. All other records related to responses to annual agency ethics program questionnaires.

Destroy 1 year after submission of associated annual agency ethics program questionnaire.

8. Ethics Program Employee Training and Education Files.

- a. Records relating to the administration of new employee ethics orientations, annual, and other types of ethics training and education. Records include, but are not limited to, annual plans, schedules of classes, rosters of employees required to attend, verification of training completion and other related records.

Destroy when 6 years old.

- b. Record copy of materials used in providing new employee ethics orientations, annual, and other types of ethics training and education including, but not limited to, instructors= guides, handbooks, handouts and other materials used in training classes, bulletins, and newsletters.

Destroy when 6 years old or when superseded or obsolete, whichever is later.

9. Ethics Program Procedures Files.

Procedures and related supporting records on the administration of ethics programs including, but not limited to, public and confidential financial disclosure reports systems, outside employment and activities approval systems, and referrals of violations of criminal conflict of interest statutes.

Destroy when 6 years old or when superseded or obsolete, whichever is later.

10. Electronic Mail and Word Processing System Copies.

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

Destroy/delete within 180 days after the recordkeeping copy has been produced.

- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.